

# **COMMISSIONER REGULATIONS GOVERNING RHODE ISLAND PUBLIC CHARTER SCHOOLS**

Purpose: The purpose of these regulations is to provide minimal uniform rules for the establishment, operation, and oversight of charter schools in Rhode Island so that these schools will provide diversity in public education, present choice to public schools students, and encourage innovative educational practices that can be shared with other schools.

Authority: These regulations are promulgated under the authority of R.I.G.L. 16-77-3.1 (e), 16-77.2-3 (a), 16-77.2-3 (f), 16-77.2-5 (c), 16-77.3-3 (a), 16-77.3-3 (d), 16-77.3-5 (c), 16-77.4-3 (a), 16-77.4-3 (d), 16-77.4-5 (c)

## **Chapter**

- 1) Establishment of Charter Schools
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- 3) Ongoing Oversight
- 4) Charter Revocation & Expiration
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# CHAPTER I

## ESTABLISHMENT OF CHARTER SCHOOLS

### TOPIC

- C-1-1. Charter Application Process.
- C-1-2. Content of proposed charter
- C-1-3. Review Process
- C-1-4. Approval by the Board of Regents.



**C-1-1. Charter Application Process.** —Applicants shall submit to the Commissioner an application in accordance with the schedule, application form, and guidelines established by the Commissioner for each type of charter school. These proposed charters shall be submitted to the Commissioner no later than December 1<sup>st</sup> of the school year before the school year in which the charter school is to be established. District Charter School applicants must also submit a copy of the proposed charter to the school committee of the district where the district charter school is to be established no later than December 1<sup>st</sup> of the school year before the school year in which the charter school is to be established.

**C-1-2. Content of proposed charter.** — In the case of a proposed District Charter School, the proposed Charter submitted to the Commissioner shall include all the material required by R.I.G.L. 16-77.2-2. In the case of a proposed Independent Charter School, the proposed Charter submitted to the Commissioner shall include all the material required by R.I.G.L.16-77.3-2. In the case of a proposed Mayoral Academy, the proposed Charter submitted to the Commissioner shall include all the material required by R.I.G.L. 16-77.4-2. (Emphasis added)

**C-1-3. Review Process.** -- In the case of a proposed District Charter School, the proposed Charter shall be considered through the process required by R.I.G.L. 16-77.2-3. In the case of a proposed Independent Charter School, the proposed Charter shall be considered through the process required by R.I.G.L. 16-77.3-3. In the case of a Mayoral Academy, the proposed charter shall be considered through the process required by R.I.G.L. 16-77.4 -3. (Emphasis added) Throughout this process, the Commissioner may be assisted in his or her duties by review panels comprised of individuals appointed by the Commissioner. Members of these panels may review applications, but the reviewers' role shall be solely advisory. Throughout the review process, the Commissioner or the school committee of the district where a district charter school is to be located may, at any time, determine a proposed charter to have unsatisfactorily met guidelines and thus be unsuitable for further review. The rationale for this determination shall be submitted in writing to the applicant and made publicly available.

**C-1-4. Approval by the Board of Regents.** —After completion of all statutory and regulatory requirements, the Commissioner will submit the proposed Charter to the Board

of Regents for consideration. The Commissioner may request the Board to grant or deny the Charter, or to remand the Charter for further consideration. The Board of Regents will, in accordance with its regulations, allow comment from interested parties on the approval of the Charter. Approved applicants shall be granted a preliminary Charter. Receipt of this preliminary Charter does not imply that the school is prepared to operate or that the Board of Regents will grant a final Charter to the applicant. Authorization to operate requires final approval by the Board of Regents based on the recommendation of the Commissioner. To obtain final approval, applicants shall complete the following tasks:

- (a) The entity operating a charter school shall have articles of incorporation filed and approved by the Rhode Island Office of the Secretary of State.
- (b) All applicants must have their project's business plan, financial management procedures, and other relevant financial information reviewed by the Rhode Island Office of the Auditor General.
- (c) The school shall have an established governance structure (i.e. board of trustees, board of directors, etc.) to provide proper governance and oversight of school operations.
- (d) The school must have in place a qualified chief administrator (i.e. Head of School, Executive Director, Chief Executive Officer) to oversee day-to-day operations.
- (e) The school must have a staffing plan designed to put in place a faculty that clearly meets student need and is consistent with the school's program design.
- (f) The school must have demonstrated that at least 50% of the school's first-year enrollment has committed to enrolling in the school.
- (g) The school must have identified an appropriate building (permanent or temporary) for operating the school.
- (h) The school must develop a final Charter according to guidelines developed by the Commissioner. These guidelines shall include, but not be limited to:
  - i. the respective material required by R.I.G.L 16-77.2-2, 16-77.3-2, 16-77.4-2 (Emphasis added) for each charter school type;
  - ii. the Board of Regent's obligations to the school as its public chartering agency; and
  - iii. an assurance that the school shall improve academic achievement as defined by the academic standards established in the Charter for increasing academic achievement for all groups of students in which the number of

students in a category is sufficient to yield statistically reliable information, including:

1. economically disadvantaged students,
2. students from major racial and ethnic groups,
3. students with disabilities, and
4. students with limited English proficiency.

Upon successful completion of the tasks or with adequate written assurance that all tasks will be met prior to the opening of the school, the Commissioner may recommend the final Charter for approval by the Board of Regents no later than March 31<sup>st</sup> of the school year before the school year in which the charter school is to be established.

## **CHAPTER 2**

### **CHARTER AMENDMENT PROCESS**

TOPIC

C-2-1. Charter amendment process.

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**C-2-1. Charter amendment process** – (a) If a charter school plans to make a major change in its operations, the school’s governing board shall submit in writing to the Board of Regents a request to amend the school’s charter. The Board of Regents shall act in public session whenever a major change is made to a Charter. Major changes are defined as those changes that fundamentally affect a school’s mission, organizational structure, or educational program. Such changes include, but are not limited to:

1. Educational philosophy or mission;
2. Governance or leadership structure;
3. Contractual relationships with an educational service provider providing or planning to provide substantially all the school’s educational services;
4. Curriculum models or whole-school designs that are inconsistent with those specified in the educational plan of the school’s charter;
5. Location of facilities, if such change involves relocating or expanding to another municipality;
6. Sending districts specified in the school’s charter;

7. Maximum enrollment;
8. Grades served; or
9. Due Process Procedures.

(b) If the charter school plans to make a minor change in its operations, the school's Board shall submit in writing to the Commissioner a request to make a minor amendment to the school's charter. The Commissioner shall inform the Board of Regents of the request for a minor change and if no objection is received from the Board at the Board's next scheduled meeting, the Commissioner shall be deemed authorized to grant the minor change. A minor amendment shall be effective 7 days following the Board of Regents meeting in which the Commissioner was granted authority to approve the minor amendment, unless the Commissioner notifies the charter operator that he or she objects to the proposed amendment. Minor changes are defined as changes that do not fundamentally alter a charter school's organizational structure or educational program, and which comport with applicable statutes, and which otherwise are in substantial compliance with Board of Regents regulations. Such changes include, but are not limited to:

1. Bylaws;
2. Schedule (length of school year, school week, or school day);
3. Suspension policy;
4. Corrections and clarifications involving the mission statement or other sections of the charter;
5. School name;
6. Performance Criteria;
7. Enrollment and Outreach Procedures;
8. Student Discipline Procedures;
9. Terms of Employment and Employee Qualifications;
10. Contracts which materially affect the academic operation of the charter school or contracts outside of the regular course of business of normal charter school operations; or
11. Financial Plan.

## CHAPTER 3

### ONGOING OVERSIGHT

#### TOPIC

C-3-1. Process for Commissioner Evaluation of a Charter.

C-3-2. Annual Reporting.



**C-3-1. Process for Commissioner Evaluation of a Charter.** – Once a Charter has been granted and the Charter School begins operations, the Commissioner, in the exercise of the Commissioner’s visitorial authority, shall conduct such reasonable evaluations of the operation of a Charter as may be needed to ensure that the Charter School is operating effectively. The Commissioner or designated staff may visit the Charter School at all reasonable times, and require such reports from the Charter School as may be needed to evaluate the school’s operation. School management and staff shall meet with the Commissioner or the Commissioner’s designees at reasonable times to present information about the operation of the charter school.

**C-3-2. Annual Reporting.** The governing board of a charter school shall prepare an annual report, which follows the guidelines provided by the Commissioner’s Office. The annual report shall be submitted to the Commissioner no later than October 15th of each year on such forms as may be provided for this purpose.

## CHAPTER 4

### CHARTER REVOCATION & EXPIRATION

#### TOPIC

C-4-1. Charter revocation –Good cause.

C-4-2. Procedure for Revocation.

C-4-3. Charter expiration.

C-4-4. Students affected by the revocation or expiration of a Charter.



**C-4-1. Charter revocation –Good cause.** – With the advice and consent of the Board of Regents, the Commissioner shall have authority to institute Charter revocation proceedings. Before requesting authority to institute revocation procedures, the Commissioner, when student and the public welfare permits, shall notify the Charter school in writing specifying the facts and issues which may justify Charter revocation and shall discuss with the Charter school the deficiencies at issue and allow the Charter school to attain compliance within a reasonable length of time. Charters may be revoked at any time for good cause as specified in R.I.G.L. 16-77.2-4.

**C-4-2. Procedure for Revocation.** – The notice and hearing procedures required in contested cases under the Rhode Island Administrative Procedures Act (Chapter 35 of Title 42 of the General Laws of Rhode Island) shall be used in Charter revocation proceedings. At a revocation hearing a Charter may be sustained, revoked, or placed on probation. If a Charter is placed on probation, a specific period of time shall be established for the Charter to meet all applicable standards and requirements. Failure to meet these standards and goals, as determined by the Commissioner, shall result in automatic termination of the Charter.

**C-4-3. Charter expiration.** -- Charters shall be granted for a fixed term not to exceed five (5) years. Before the conclusion of this five (5) year period, the Board of Regents may conduct a review of the school's charter. The decision by the Board to renew a charter shall be based upon the following:

- (a) the presentation of affirmative evidence regarding the success of the school's academic program as defined by the academic standards established in the Charter for increasing academic achievement for all groups of students in which the number of students in a category is sufficient to yield statistically reliable information, including:
  - 1. economically disadvantaged students,
  - 2. students from major racial and ethnic groups,
  - 3. students with disabilities, and
  - 4. students with limited English proficiency;
- (b) the viability of the school as an organization; and
- (c) the faithfulness of the school to the terms of its charter.

Provision C-4-3 (a) shall be weighted most heavily in the Board's decision to renew a charter.

The Commissioner will gather evidence regarding these issues from a renewal application and from other information, including but not limited to, a school's annual reports, financial audits, test results, and site visit reports. Renewed charters shall be written according to the guidelines outlined in C-1-4 (h).

If the Board of Regents does not conduct a review of an existing Charter, the Charter shall renew for another five (5) year period. If the Commissioner recommends that a Charter not be renewed, the proponents of the Charter may request an administrative hearing, and, shall have the burden of proof to demonstrate that the renewal of the Charter is in the public interest.

**C-4-4. Students affected by the revocation or expiration of a Charter.** – The Commissioner of Education shall arrange for students affected by the revocation or expiration of Charter to be re-enrolled in the public school of their respective towns of

residence or in another charter school, if such a charter school placement is possible. The Commissioner shall ensure the preservation of the Charter school records. The Commissioner may require the public school system in which the Charter was located to maintain the student records of a closed Charter school.

## CHAPTER 5

### CHARTER SCHOOL OUTREACH AND ENROLLMENT

#### TOPIC

C-5-1. Outreach.

C-5-2. Enrollment Lotteries & RIDE representatives.

C-5-3. Notification.

C-5-4. Waiting Lists.

C-5-5. Family Orientation – Team meetings.

C-5-6. IEP Team and 504 meetings.

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**C-5-1. Outreach.** -- The charter school shall proactively engage and inform the community about the school for the purpose of generating interest in enrollment in the school. Such activities should include public notices, meeting, open houses, and other activities that attempt to reach and provide a forum to a broad audience. Supplemental specially directed outreach and recruitment is permissible in order to diversify the pool of applicants so as to include underrepresented populations.

**C-5-2. Enrollment Lotteries.** -- (a) When fewer students apply than there are seats available, all applicants shall be offered enrollment into the school. When more students apply than are seats available, the school shall conduct a random lottery to determine enrollment. Lotteries shall be held no later than March 1<sup>st</sup> of the school year before the year in which students are to enroll. Charter schools shall use a lottery application developed by the Commissioner. Weighted lotteries are permissible if the Commissioner deems it necessary to fulfill statutory requirements.

(b) All students in the lottery pool at the time of the lottery shall be drawn from the lottery. Once all available seats have been filled, the remaining applicants in the pool shall be drawn and placed on a waiting list ranked in the order that they were drawn. The school shall notify RIDE at least two (2) weeks before the lottery so that a RIDE representative may be present during the lottery.

(c) Schools are permitted to adopt a siblings policy to exempt siblings of currently enrolled students from participation in the lottery, and to adopt a policy to exempt the students of staff or board members from participation in the lottery.

**C-5-4. Notification.** – (a) Families shall be notified in writing whether or not the student was selected from the lottery for enrollment into the school. Upon notification, the family



shall confirm their intent to accept the enrollment by submitting a standard confirmation form to the school. Schools are permitted to establish a reasonable deadline of not less than fifteen (15) days for the family to confirm their child's enrollment. Schools shall also make a reasonable effort within this period to make contact with the family. If the family fails to confirm enrollment by the established deadline, schools are permitted to offer enrollment to another family in first position on the waiting list.

(b) Only after a family has confirmed enrollment shall the school ask the family to provide specific information and documentation about the student, including prior school academic records and special education records (IEP/504 plans).

(c) Once all families have confirmed their student enrollment, schools shall notify the district of residence regarding the total number of students from each district that will be attending the charter school for the upcoming school year.

**C-5-5. Waiting Lists.** – (a) Any student who has applied to the school but was not selected through the lottery shall be placed on a waiting list in the order that they were drawn within the design of the lottery. This shall constitute the school's official waiting list.

(b) Families that have expressed an interest in the school, either by contacting the school directly, attended an open house, or other contact but has not submitted an enrollment form and selected through the lottery shall not be considered for the waiting list.

(c) Enrollment forms received after the lottery shall not be considered on the official waiting list. Such applications shall only be considered for enrollment once the waiting list established through the lottery has been exhausted.

(d) When filling vacancies that occur during the school year, schools shall offer enrollment to the student ranked in the first position on the waiting list as determined by the lottery. Should the family decline the enrollment offer, the school shall offer enrollment to the next ranked student until the enrollment seat is accepted.

(c) Waiting lists shall not be carried over from year to year. Each year the school shall conduct a new lottery of all applicants in the lottery pool, including any applicants from the previous waiting list in addition to any and all new applicants. Applicants on the waiting list at the end of the previous school year must reapply to the school to be considered eligible for the lottery for the following school year.

**C-5-6. IEP Team and 504 meetings.** – Students who enroll with a pre-existing IEP or a 504 plan shall be accorded an IEP or 504 team meeting. Only an IEP team or 504 team can decide that the school is not an appropriate placement for a student with special needs. The family shall have due process rights to challenge the decision of an IEP or 504 team if the family disagrees with the decision.

## CHAPTER 6

### CHARTER SCHOOL STAFF

C-6-1. Educator Certification Required.



**C-6-1. Educator Certification Required** — All teachers and administrators in charter schools shall hold appropriate certification for their respective positions.

## CHAPTER 7

### CHARTER SCHOOL CONTRACTS

TOPIC

C-7-1. Charter school contracts



**C-7-1. Charter school contracts.** – (a) No charter school or charter school board shall enter into any contract which is contrary to State or Federal law or regulations, which contravenes the written policies of the Rhode Island Board of Regents, which does entail any financial or other conflicts of interest, or which amends, alters, or modifies any provision of the school’s Charter. To the extent that there is a conflict between the terms of the Charter and such a contract, the terms of the Charter shall govern. All charter school contracts shall be made available to the Commissioner and the Auditor General upon request. Charter schools shall maintain financial records in a format that allows the ready tracking of all expenditures of public funds.

(b) No charter school board shall enter into a contract that would have the effect of reducing the charter school board’s ultimate responsibility for operation of its charter school, or which would hinder the charter school board in exercising effective supervision of the charter school it controls.

(c) The Commissioner may develop guidelines to ensure that contracts are consistent with provisions C-7-1 (a) and (b).

## CHAPTER 8

### APPEALS

TOPIC

C-8-1 Appeals.



**C-8-1 Appeals.** – The appeals and adjudication process defined by Chapter 39 of Title 16 shall be applicable to charter schools, and additionally, any alleged violation of the provisions of a schools Charter shall be subject to this appeal and adjudication process.

## **CHAPTER 9**

### **VARIANCES & WAIVERS**

TOPIC

C-9-1 Variances & Waivers.



**C-9-1 Variances & Waivers.** -- The Board of Regents, based on the application of a Charter school governing board may grant those statutory waivers and variances permitted by law. The Board of Regents, based on the application of a Charter school governing board may grant waivers and variances to Board of Regents Regulations, except that waivers or variances which would diminish health of safety standards, or which would violate or diminish the regulatory protections of student's with disabilities, shall not be granted. All requests for waivers or variances shall be accompanied by a written explanation showing why the waiver or variance should be granted.